

Practitioner's Docket No. 5147.21

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Gayle Eysenring Jenkins
Application No.: 60 /468,969 Group No.: (Provisional Application)
Filed: 5/9/03 Examiner:
For: BOTTLE HARNESS/DRINK DEPUTY

Mail Stop Conversion
Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

**REQUEST FOR CONVERSION OF PROVISIONAL TO
NONPROVISIONAL APPLICATION
(37 C.F.R. § 1.53(c)(3))**

WARNING: Under 35 U.S.C. 154(b), the term of a nonprovisional application resulting from the conversion of a provisional application pursuant to 35 U.S.C 111(b)(5) will be measured from the original filing date of the provisional application (which is the filing date accorded the nonprovisional application resulting from the conversion). Such patent term implications of converting a provisional application into a nonprovisional application pursuant to 111(b)(5) should be carefully considered against the alternative of simply filing a nonprovisional application within twelve months of the filing date of the provisional application and claiming the benefit of the provisional application under 35 U.S.C. 119(e). Notice of March 10, 2000, 65 Fed Reg 14865, at 148686.

WARNING: A request for conversion must be filed prior to the earliest of: (1) abandonment of the provisional application; or (2) expiration of twelve months after the filing date of the provisional application. 37 CFR 1.53(c). But note, 35 U.S.C. 119(e) provides that "[i]f the day that is 12 months after the filing date of a provisional application falls on a Saturday, Sunday, or Federal Holiday within the District of Columbia, the period of pendency of the provisional application shall be extended to the next succeeding secular or business day."

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is mandatory;
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37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 *

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TRANSMISSION

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Date: 4/30/04

Signature

Gloria Gruetzmacher

Gloria Gruetzmacher

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Request For Conversion of Provisional to Nonprovisional Application (37 C.F.R. § 1.53(c)(3)) [23-10]
—page 1 of 8)



IFW

1 THE UNITED STATES PATENT AND TRADEMARK OFFICE

2 Applicant : Gayle Eysenring Jenkins)
3) Art Unit:
4 Serial No.: 10/713,922)
5) Examiner:
6 File Date : 5/9/03)
7) Confirmation No.
8 For : BOTTLE HARNESS/DRINK DEPUTY)
9)
10)
11)
12)

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
BEING DEPOSITED WITH THE UNITED STATES POSTAL
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10 ON 12/10/04

Date of Deposit

Gloria Gruenacher

11 SIGNATURE

12 **RESPONSE TO NOTICE REGARDING NONPUBLICATION REQUEST
OF NON-PROVISIONAL APPLICATION**

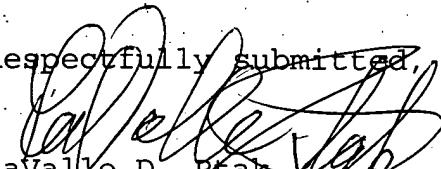
13 In response to the notification letter mailed November 30,
14 2004, applicant responds as follows:

15 The letter states that applicant's request for non-publication
16 cannot be accepted because the non-publication request must be
17 submitted upon filing. Applicant respectfully submits that the
18 required non-publication request was submitted upon filing.

19 Enclosed is a copy of the first page of the original
20 transmittal for this application, with the Express Mail number
21 highlighted, namely EV234619181. Also enclosed is a copy of the
22 Non-Publication Request, with the "peel off" sticker number which
23
24
25

1 matches the number identified above. This is submitted as positive
2 proof that the Request for Non-Publication most certainly was sent
3 with the original filing of this non-provisional application.
4

5 In view of the foregoing, applicant respectfully submits that
6 the "Notice Regarding Nonpublication Request" is incorrect, or
7 inappropriate. Applicant respectfully requests a new, corrected
8 Filing Receipt indicating that this application is not to be
published.
9

10 Respectfully submitted,
11 
12

13 LaValle D. Ptak
14 Registration No. 19,877
15 LAW OFFICES OF LAVALLE D. PTAK
16 28435 N. 42nd Street
17 Cave Creek, AZ 85331
18 Telephone: (480) 419-9019
19
20
21
22
23
24
25
26

Date: 12/9/04

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/713,922	05/09/2003	Gayle Eysenring Jenkins	5147.21

CONFIRMATION NO. 6247

1321
 LAVALLE D. PTAK
 LAW OFFICE OF LAVELLE PTAK
 28435 N 42ND STREET
 SUITE B
 CAVE CREEK, AZ 85331



OC000000014632404

Date Mailed: 11/30/2004

NOTICE REGARDING NONPUBLICATION REQUEST

The nonpublication request filed on is acknowledged.

- The request cannot be accepted because 35 U.S.C. § 122(b)(2)(B)(i) and 37 CFR 1.213 require that any nonpublication request be submitted upon filing. Therefore, the application remains subject to the publication provisions of 35 U.S.C. § 122(b) and 37 CFR 1.211.

Questions regarding this notice may be directed to the Office of Initial Patent Examination at (703) 308-1202.



PTO/SB/35 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NONPUBLICATION REQUEST
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Gayle Eysenring Jenkins
Title	BOTTLE HARNESS/DRINK DEPUTY
Attorney Docket Number	5147.21

I hereby certify that the invention disclosed in the attached application has not and
the subject of an application filed in another country, or under a multilateral
agreement, requires publication at eighteen months after filing.

EV234619181US

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

4/30/04

Date

Signature

(480) 419-9019

Telephone number

LaValle D. Ptak

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application upon filing.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).

This collection of information is required by 37 CFR 1.213(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.